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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.  |
|---|-------------|----------------------|---------------------|-------------------|
| 09/763,631  | 06/11/2001  | Nail Kavak           | 203520US2PCT        | 3849              |
| 22850   | 7590        | 12/28/2004           | EXAMINER            |                   |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      |                     | FERRIS, DERRICK W |
| ART UNIT  |             | PAPER NUMBER         |                     |                   |
|   |             |                      |                     | 2663              |

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/763,631             | KAVAK, NAIL         |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Derrick W. Ferris      | 2663                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 June 2001.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-36 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 2,21 and 35 is/are rejected.

7) Claim(s) 1,3-20,22-34 and 36 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 11 June 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/16/2001.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. **Claims 1, 2, 4, 9, 12, 18 and 26** are objected to because of the following informalities:  
**claim 1**, end of line 3 “t” should probably be “to”; **claim 2**, end of line 3 “t” should probably be “to”; **claim 4**, line 2 “t” should probably be “the”; **claim 9**, line 3, “I” should probably be “IP”; **claim 12**, line 2 “on” should probably be “one”; **claim 18**, line 2, “t” should probably be “to”; and **claim 26**, line 3 for “p” should probably be “IP”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 2, 21 and 35** are rejected as failing to define the invention in the manner required by 35 U.S. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2, 21 and 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,353,596 B1 to *Grossglauser et al.* ("*Grossglauser I*") in view of "SEAM: Scalable and Efficient ATM Multicast" to *Grossglauser et al.* ("*Grossglauser II*").

As such to **claim 2**, *Grossglauser I* discloses a plurality of nodes as shown in figure 4 where the plurality of endpoints act as data senders or receivers, see e.g., column 11, lines 52-65. These nodes are linked by ATM, see e.g., column 6, lines 47-54. The network is further adapted to support multipoint-to-multipoint multicasting between a group of endpoints, see e.g., column 3, lines 16-23, where the network includes means for building a single spanning delivery tree between at least one sender and all receivers, see e.g., column 15, lines 1-15, belonging to a multi-casting group of endpoints, and in that only one VC is employed to transmit data over said single spanning tree, see e.g., column 7, lines 15-25.

*Grossglauser I* may be silent or deficient to the further limitation of IP with respect to IP/ATM.

*Grossglauser II* teaches the further recited limitation above at e.g., right-hand column on page 868.

The proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Grossglauser I* by clarifying that the ATM traffic as taught by *Grossglauser II* contains IP at layer 3.

As such, examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the above limitation. In particular, the motivation for modifying the reference or to combine the reference teachings would be to interface

with the Internet and e.g., using ATM LANE. In particular, *Grossglauser II* cures the above-cited deficiency by providing a motivation found at e.g., right-hand column on page 868. Second, there would be a reasonable expectation of success both references teach SEAM. Thus the references either in singular or in combination teach the above claim limitation(s).

As to **claim 21**, see similar rejection to claim 2.

As to **claim 35**, *Grossglauser I* teaches generating a dummy EOP cell after a time-out which is an “I am alive” message, see e.g., column 11, lines 1-15.

*Allowable Subject Matter*

6. **Claims 1, 3-20, 22-34, and 36** would be allowable if rewritten or amended to overcome the claim objections as set forth in this Office action.

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- “IP Multicasting over ATM” published by another teaches applicant’s exact invention, see e.g., Section 4.1, but does not antedate applicant’s foreign priority date.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris  
Examiner  
Art Unit 2663

DWF



Derrick W. Ferris  
12/21/2007